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2 **UNITED STATES DISTRICT COURT**
3 **NORTHERN DISTRICT OF CALIFORNIA**

4 **In Re Plum Baby Food Litigation,**

5 This document relates to: All Actions.

6
7 **SARAH BROWN, on behalf of herself and all**
8 **others similarly situated,**

9 **Plaintiff,**

10 v.

11 **PLUM, PBC,**

12 **Defendant.**

13 **Case No. 4:21-cv-913-YGR**

14 **Case 3:21-cv-04953-YGR**

15 **STIPULATION AND [PROPOSED]**
16 **ORDER TO CONSOLIDATE**
17 **ACTIONS UNDER**
18 **FED. R. CIV. P. 42(a)**

19 WHEREAS, pursuant to the Consolidation Order entered by this Court on May 3, 2021 in
20 this matter (the “Consolidated Action”), “[a]ny action subsequently filed, transferred or removed
21 to this Court that the Court determines arises out of the same or similar operative facts as the
22 Consolidated Action will be, with the Court’s approval, consolidated with the Consolidated Action
23 for pre-trial purposes.” (Dkt. No. 18).

24 WHEREAS, Plaintiff Sarah Brown filed her complaint in *Brown v. Plum, PBC* (Case No.
25 21-4953-YGR) on June 28, 2021 and by Order dated July 15, 2021, the Court deemed *Brown* related
26 to the Consolidated Action (Dkt. No. 77);

27 WHEREAS, Plaintiff Brown’s claims arise out of the same set of operative facts and assert
28 similar legal claims against Defendant Plum, PBC (“Plum” or “Defendant”), with respect to heavy
metals and Plum’s baby food products (the “Baby Foods”);

29 WHEREAS, Plaintiff Brown seeks, *inter alia*, injunctive relief, as well as monetary
30 damages;

1 WHEREAS, Plaintiffs in the Consolidated Action and Plaintiff Brown agree that
2 consolidation of *Brown v. Plum, PBC* (Case No. 21-4953-YGR) with the Consolidated Action
3 under Fed. R. Civ. P. 42(a) is appropriate because they involve common questions of law and fact,
4 arise from the same events, name the same Defendant, and will involve substantially the same
5 discovery;

6 WHEREAS, Defendant consents to consolidation but preserves all defenses and arguments
7 and all parties stipulate that the fact of stipulation will not be used as grounds against any such
8 reserved defenses and arguments;

9 WHEREAS, consolidation under Rule 42(a) will eliminate duplicative discovery and the
10 possibility of inconsistent rulings on class certification, Daubert motions, and other pretrial matters,
11 and conserve judicial and party resources;

12 **NOW THEREFORE**, the parties through their respective counsel and subject to the
13 Court's approval hereby stipulate that:

14 1. The *Brown v. Plum, PBC* (Case No. 21-4953-YGR) matter is consolidated with the
15 Consolidated Action pursuant to Fed. R. Civ. P. 42(a);

16 2. The deadlines and procedures applicable to the Consolidated Action apply in
17 accordance with the Consolidation Order (Dkt. No. 18) and this Court's August 6, 2021 Order
18 setting filing deadlines (Dkt. No. 81); and

19 3. All further papers shall be filed in the Consolidated Action.

1 STIPULATED TO AND DATED this 10th day of August, 2021.

2
3 **LOCKRIDGE GRINDAL NAUEN**
P.L.L.P.

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15 Plaintiffs' Interim Co-Lead Class Counsel

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17 Attorneys for Defendants Plum, PBC and
Campbell Soup Company

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22 Dated: August ___, 2021

23
24 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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26 _____
Yvonne Gonzalez Rogers, U.S.D.J.
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